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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,125	10/31/2003	Michel Chevanne	Q78138	9445

23373   7590   07/09/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2146	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/697,125	CHEVANNE ET AL.
	Examiner	Art Unit
	SHAQ TAHA	2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05/04/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is a final action for application number 10/697,125 filed on 10/31/2003. Claims 1 –

21 have been amended. Claims 1 – 21 are currently pending and have been considered

below. Claims 1, 14, 27 and 28 are independent claims.

Response to Arguments

Applicant's arguments with respect to claims 1 – 21 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1, 5 – 11, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gandhi et al. (US 2005/0267935).

Regarding claims 1 and 11, a device for controlling equipment management data in a

communications network comprising a network management system capable of

managing said equipment management data using previously loaded management data

modules, associated with said equipment management data and stored in a memory,

[User Control Point. The set of modules that enable communication with a UPnP

Controlled Device. User Control Points initiate discovery and communication with

Controlled Devices, and receive Events from Controlled Devices, wherein the

controlled devices are the equipment managed using loaded management loaded

modules, (Gandhi et al., Paragraph 0059, Page 4)];

said device comprising control means, which when there is a request by said network

management system to take over at least one new item of equipment management data

in said communications network, extracts from said memory the management data

module associated with said at least one new item of equipment, **[A User Control**

Point uploads the Description Document and extracts the URLs of the Servers

running on the Controlled Device or Bridge, wherein the description documents

are the management data associated with the new controlled device, (Gandhi et

al., Paragraph 0184, Page 10)];

and then loads into said network management system each new management data

module extracted, dynamically, so that the management by said network management

system of said equipment management data in said communications network is not

interrupted, **[in configured networks, dynamic detection allows an operating**

system to immediately begin using added devices or stop using removed devices

without rebooting, wherein the new device is managed and the management data

is loaded without rebooting or interrupting the network, (Gandhi et al., Paragraph

0568, Page 29)].

Regarding claim 5, a device according to claim 1 wherein said control means loads

management data modules according to at least a first mode in which said management

data modules are loaded independently of any dependencies between said

management data modules and a second mode in which, in loading said management

data modules, account is taken of any dependencies between them, **[a Bridge that is**

also a Controlled Device must announce Bridged Devices and local Controlled

Devices independently, with appropriate unique identifiers, Description

Documents and associated URLs, (Gandhi et al., Paragraph 0197, Page 11)].

Regarding claim 6, a device according to claim 1 wherein each management data

module consists of at least one descriptor, **[Gandhi et al., Fig. 7, Ref # 226, wherein**

the management data is a description document].

Regarding claim 7, a device according to claim 6 wherein the at least one descriptor

consists of at least one program code file and at least one configuration file, **[The UCP**

can be written in C, C++, VB, or script code, so the mechanism for passing on

notifications can be different, (Gandhi et al., Paragraph 0289, Page 18)].

Regarding claim 8, a device according to claim 7 wherein said at least one program

code files of said at least one descriptor comprises first data designating a type to which

an item of network equipment belongs, **[A Device Definition includes a Device Type Identifier, the fixed elements in the Description Document, the required set of Service Definitions in the Root Device, and the hierarchy of required Devices and Service Definitions, (Gandhi et al., Paragraph 0067, Page 4)]**;

and another of said program code files of said at least one descriptor comprises second data designating a management information base definition associated with said equipment management data and accessible to said network management system, **[Service Definition includes a Service Type Identifier, definition of the Service State Table (SST), definition of the Service Command Set, the Service Control Protocol (SCP) and Service Control Protocol Declaration, (Gandhi et al., Paragraph 0068, Page 4)]**.

Regarding claim 9, a device according to claim 7 wherein said program codes are in Java language, **[The module that runs in a Controlled Device that responds to HTTP GET or Presentation URLs and returns user interface using web technologies JavaScript, (Gandhi et al., Paragraph 0098, Page 6)]**.

Regarding claim 10, a management device according to claim 9 in which said management device is coupled to management means and wherein management server in a communications network, comprises said management means which manages network equipment using loaded management data modules, associated with the said network equipment and stored in a memory, **[Gandhi et al., Fig. 7, wherein**

the controlled device contains a management data which enables the

management device to control the equipment].

Regarding claim 15, a method according to claim 11 wherein management data

modules are loaded independently of dependencies thereof or taking account of said

dependencies thereof, **[a Bridge that is also a Controlled Device must announce**

Bridged Devices and local Controlled Devices independently, with appropriate

unique identifiers, Description Documents and associated URLs, (Gandhi et al.,

Paragraph 0197, Page 11)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 4, 12, 13, 14, and 16 - 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gandhi et al. (US 2005/0267935) in view of Chobotaro et al. (US

2003/0202408).

Regarding claims 2, and 12,Gandhi teaches a general programmatic interface-to-network messaging adapter exposes a suitable object integration interface or application programming interface to applications on a controller device and sends network data messages to invoke services or query status of a controlled device;

Gandhi fails to teaches to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated;

Chobotaro teaches a device wherein said control means which controls, whenever a new management data module is loaded, associated with a new version of equipment which has not yet been integrated in said communications network while an old management data module associated with a prior version of the equipment is still loaded and said prior version of the equipment is still integrated in said communications network, i) to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, **[If the non-volatile memory does contain supplemental device driver control data 127, then the supplemental device driver control data 127 is read into system memory (304) and the device driver control data 115 that had been read into system memory is replaced or added to with the supplemental device driver control data (305), wherein the new data awaits or is in a standby mode to continue the management of prior version, (Chobotaro et al., Paragraph 0016, Page 2)];**

and then ii), when data indicating an integration of said new version of the equipment

are received, to put said new management data module loaded into service so as to

provide the management of said new version of the equipment from said new

management data module, **[If the non-volatile memory 120 does not contain the**

supplemental data or contains different supplemental data, then the new device

driver control data is written (204) to non-volatile memory 120, (Chobotaro et al.,

Paragraph 0016, Page 2)]; in order to update its control data whenever the device

driver is initiated, **(Paragraph 0016), (Page 2).**

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Gandhi et al. by to put said new management data module loaded

on standby so as to continue the management of said prior version of the equipment

from said old management data module, until said new version of the equipment is

integrated in order to update its control data whenever the device driver is initiated,

(Paragraph 0016), (Page 2).

Regarding claim 3, a device according to claim 2 wherein said standby consists firstly of

allowing the management of said new version of the equipment from said new

management data module, without taking account of any error messages related to its

non-integration in said communications network, **[Gandhi et al., FIG. 2 that the remote**

controller 204 provides a user interface (UI) 240 that allows a user to enter control

data for controlling the controlled device 206];

and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment, **[Networking also allows multiple devices to establish one or more connections with a single device, and it allows for a device to be capable of both initiating and accepting connections to/from other devices, wherein the new device and new management data indicates a change of version is under way, (Gandhi et al. Paragraph 0048, Page 3)].**

Regarding claim 13, a method according to claim 12 wherein said putting on standby comprises firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of any error messages related to its non-integration in said communications network, **[Gandhi et al., FIG. 2 that the remote controller 204 provides a user interface (UI) 240 that allows a user to enter control data for controlling the controlled device 206];**
and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment, **[Networking also allows multiple devices to establish one or more connections with a single device, and it allows for a device to be capable of both initiating and accepting connections to/from**

other devices, wherein the new device and new management data indicates a

change of version is under way, (Gandhi et al. Paragraph 0048, Page 3)].

Regarding claims 4 and 14, Gandhi teaches a general programmatic interface-to-

network messaging adapter exposes a suitable object integration interface or

application programming interface to applications on a controller device and sends

network data messages to invoke services or query status of a controlled device;

Gandhi fails to teaches deleting the old management data module

Chobotaro teaches a device wherein said control means which, in a case of

synchronization between said new version of the equipment and said new management

data module, deletes said old management data module, **[Chobotaro et al., Fig. 3, Ref**

 # 305, wherein the device driver control data 115 that had been read into system

memory is replaced or added to with the supplemental device driver control data

and the old data is replaced and deleted]; in order to the content of the device driver

supplemental data may be easily modified in the future, **(Paragraph 0019), (Page 2).**

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify Gandhi et al. by deleting the old management data

module so that the content of the device driver supplemental data may be easily

modified in the future, **(Paragraph 0019), (Page 2).**

Regarding claim 16, a method according to claim 12 wherein said management data

module comprises of at least one descriptor, **[Gandhi et al., Fig. 7, Ref # 226, wherein**

the management data is a description document].

Regarding claim 17, a method according to claim 16 wherein the at least one descriptor

comprises of at least one program code file and at least one configuration file, **[The**

UCP can be written in C, C++, VB, or script code, so the mechanism for passing

on notifications can be different, (Gandhi et al., Paragraph 0289, Page 18)].

Regarding claim 18, a method according to claim 17 wherein one of said program code

files of said at least one descriptor comprises first data designating a type to which an

item of equipment in the network belongs, **[A Device Definition includes a Device**

Type Identifier, the fixed elements in the Description Document, the required set

of Service Definitions in the Root Device, and the hierarchy of required Devices

and Service Definitions, (Gandhi et al., Paragraph 0067, Page 4)];

and another of said program code files said at least one descriptor comprises second

data designating a management information base definition associated with said item of

equipment and is accessible, **[Service Definition includes a Service Type Identifier,**

definition of the Service State Table (SST), definition of the Service Command

Set, the Service Control Protocol (SCP) and Service Control Protocol Declaration,

(Gandhi et al., Paragraph 0068, Page 4)].

Regarding claim 19, a method according to claim 18 wherein said program codes are in

Java language, **[The module that runs in a Controlled Device that responds to**

HTTP GET or Presentation URLs and returns user interface using web

technologies JavaScript, (Gandhi et al., Paragraph 0098, Page 6)].

Regarding claim 20, a method according to claim 19 in which management server

comprises said device and management means manages network technologies,

[Gandhi et al., Fig. 7, wherein the controlled device contains a management data

which enables the management device to control the equipment].

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gandhi et al.

(US 2005/0267935) in view of Chobotaro et al. (US 2003/0202408), and further in view

of Bowman-Amuah et al. (6,611,867)

Regarding claim 21, The modified Gandhi teaches a general programmatic interface-to-

network messaging adapter exposes a suitable object integration interface or

application programming interface to applications on a controller device and sends

network data messages to invoke services or query status of a controlled device;

The modified Gandhi fails to teaches network comprises WDM, SONET and SDH

type, IP and ATM type, conventional, mobile and NGN type.

Bowman-Amuah teaches said network technologies are chosen from a group comprising: transmission networks comprising, WDM, SONET and SDH type, data networks; comprising IP and ATM type, and voice networks comprising, conventional, mobile and NGN type, **[Bowman-Amuah, Fig. 51, Col. 7, Lines 35 – 60]**, in order to solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers, **(Bowman-Amuah, Col. 19, lines 45 – 60)**;

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the modified Gandhi et al. to include a network that comprises WDM, SONET and SDH type, IP and ATM type, conventional, mobile and NGN type, to solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers of Bowman-Amuah in order to solve a major challenge, off loading data traffic from the voice infrastructure to alleviate the congestion issues that face traditional voice customers, **(Bowman-Amuah, Col. 19, lines 45 – 60)**.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921.

The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146